



# City of Lowell - Planning Board

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## Planning Board Meeting Minutes

Monday November 16, 2020 6:30 p.m.

Conducted via Zoom

**Note:** These minutes are not completed verbatim. For a recording of the meeting, visit [www.ltc.org](http://www.ltc.org)

### Members Present

Thomas Linnehan, Chairman

Gerard Frechette, Vice Chairman

Richard Lockhart, Member

Robert Malavich, Member

Caleb Cheng, Member

Sinead Gallivan, Associate Member

### Members Absent

Russell Pandres, Associate Member

### Others Present

Fran Cigliano, Senior Planner

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A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:31pm.

### I. Minutes for Approval

November 2, 2020

R. Lockhart motioned and R. Malavich seconded the motion to approve the minutes. The motion passed unanimously, (5-0).

### II. Continued Business

### III. New Business

#### **Public Shade Tree Hearing: Spring Avenue City Right-of-Way (ROW) 01851**

In Accordance with MGL Ch. 87.5, the Lowell Planning Board will hold a public hearing to hear all interested persons about the proposed removal of two (2) public shade trees located behind 25 Arlene Road and within the Spring Avenue City Right-of-Way. These two trees were reviewed by a certified arborist and are recommended for removal due to both having poor structural stability at the tree bases.

#### On Behalf:

Christine Clancy, DPW Commissioner

C. Clancy: These are two existing honey locust trees. Certified arborist reports were provided to the Planning Board. Though they are alive, they have poor stability at the base. If approved, we would contract with our tree contractor to remove them. In accordance with City ordinance, would look to replace in the general vicinity.

#### Speaking in Favor:

None

#### Speaking in Opposition:

Joann Camilli, 25 Arlene Road

J. Camilli: What did she mean by replacing next year?

C. Clancy: If we have trees that come down, we will replace in the general vicinity. They removed two trees already.

J. Camilli: This is damaging my property right now. I asked DPW several times and no one has done anything about it. What are we doing about this? If you cut any more trees down...

C. Clancy: We are speaking in regards to trees remaining to be removed. We will look into that.

Discussion:

G. Frechette: The Board is not in a position to contradict what a certified arborist presents regarding safety. Public safety is paramount with trees.

Motion:

G. Frechette motioned and R. Malavich seconded the motion to approve the tree removal request. The motion passed unanimously, (5-0).

**Public Shade Tree Hearing: 863-912 Andover Street; 10, 11 Dancause Road; 9 Burham Road 01852**

In Accordance with MGL Ch. 87.5, the Lowell Planning Board will hold a public hearing to hear all interested persons about the proposed removal of 14 public shade trees, which are located between 863 Andover Street and 912 Andover Street, at 10 and 11 Dancause Road, and 6 Burnham Road. Of the 14 trees, 4 are over 24" in diameter and 4 are unhealthy. This removal is part of the River Road/Andover Street Mass DOT Project.

On Behalf:

C. Clancy, DPW Commissioner

C. Clancy: There were 14 trees proposed to be removed. We would like to revise the request to 12 trees. Detailed report was provided to the Planning Board. This is associated with the Andover St/River Road intersection improvement project. Coordinated with Tewksbury and Lowell. Project is between Havilah Street and Holbrook Ave. Four are unhealthy and four are over 24 inches in diameter.

Speaking in Favor:

None

Speaking in Opposition:

Eric Mojica, 854 Andover Street

E. Mojica: Trees are chewing up the sidewalk. Is part of the plan to replace the sidewalk?

C. Clancy: Yes, holistic improvement approach. New sidewalks in the area. Especially with removal of trees, there will be a new sidewalk.

E. Mojica: Do you think it will creep into property lines?

C. Clancy: You are on the tail end of the project so that's where we are tapering it into the existing roadway. Holding property line at that point. Any effort to work on your property would have already been negotiated.

E. Mojica: Four trees will be replaced?

C. Clancy: Yes, that's our goal. Four won't fit in that corner but can be within project limits or in the neighborhood. That's our goal. Have to have 5 foot sidewalk and a grass strip.

Discussion:

T. Linnehan: Did you receive letter from the neighbor on Wetherbee?

C. Clancy: Yes. In my opinion, removal is necessary for the project. Some of these trees are unhealthy. Do need to come out. Also we are working with MassDOT to use 2:1 and 1:1 ratio for replacement.

G. Frechette: This has been a project that's been highly anticipated, redoing that intersection. A little delayed, but this is a critical component. That River Road intersection is at a point where it needs to be brought up to standards. It will enhance that particular area as well. Looking forward to that project being completed. Utility work happening in advance?

C. Clancy: Yes, utility and drainage work is starting now. Will continue in the spring.

C. Cheng: Significant change to utility lines? Curious as I walked the site whether the branches above lines could be improved.

John Rockwell, TEC: Number of utility poles will be relocated. Drove decision to remove some of the trees. A number of the trees are trimmed and damaged. New lines will be set back so that replacement trees are not in conflict with overhead lines.

R. Lockhart: Project would greatly improve public safety. Fully in favor.

Motion:

R. Malavich motioned and R. Lockhart seconded the motion to approve the tree removal. The motion passed unanimously, (5-0).

**IV. Other Business**

**Pre-Application Discussion: 1148 Bridge Street 01854**

Discussion regarding a proposal to convert the existing building into a recreational marijuana facility. The property is located in the Regional Retail (RR) zoning district.

On Behalf:

Matt LeLacheur, Applicant's Representative

Chris Tymula, Applicant's Engineer: Go through existing conditions plan, site plan, grading plan, schematics for floor plan, and architectural rendering. 8400 sq. ft. lot in the Regional Retail district. Entire site is developed currently. Small parking lot in front of parking lot. Reduced curb cut to 24 ft. Will work with city staff to pay into city stormwater fund rather than mitigate stormwater on-site.

Ed Davis, Security Consultant

E. Davis: We are pleased with what we have been able to put together for a security plan. Worked with LPD and LFD. Meets regulations and all the suggestions of Cannabis Control Commission. Very responsible vendor.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

T. Linnehan: Off-site parking?

M. LeLacheur: Off-site option at East End Club, if necessary, for employee parking. "Appointment-only" is to manage parking. It will be an area we have in our back pocket that we may not need to use initially. Deliveries will occur in off hours.

Heather Monticup, Applicant's Engineer: Focused on getting parking spaces to city standards. 2-way traffic in and out of site to make it easier to get in/out. Also will have a parking attendant on site to direct people and make sure they are there during an appointment time.

T. Linnehan: Where would you have the snow storage on site?

C. Tymula: Being a small site, any snow would be trucked off-site.

T. Linnehan: Where would the pile of snow be gathered before it can be trucked out?

C. Tymula: We would push it to the right hand side of the site, over the striped area. Would be getting snow out of there as quickly as possible.

T. Linnehan: Hours of operation?

M. LeLacheur: 10am-8pm.

G. Frechette: Fran, has the city hired a traffic engineer?

F. Cigliano: I don't think so.

G. Frechette: Are you looking for variances from required parking?

C. Tymula: Have six spaces, required to have six spaces.

G. Frechette: Employee parking would be off site? My first thought, we have not had a site this small come before us to date. By far the smallest. We've labored over openings contingent on appointment-only on sites much larger than this. I am looking at the parking spot right at the entrance, would back into that travel lane. Some real challenges here. The striped areas to help with pedestrian – can't imagine a bobcat picking that up every time there's snow. You have to work on a final presentation. I'm always disappointed when applicant looks for feedback at pre-application discussions and makes no adjustments. I'm concerned this is coming before us without a traffic engineer on staff.

R. Lockhart: I can't emphasize the importance of a detailed site plan enough. Solid waste and recycling has specified some things. Need to be located on site plan. Good, detailed site plan is necessary. Possible covered walkway to the back of the gas station to access parking – that should all be on that plan so that the Board can evaluate the property. Regarding parking, have referenced a couple of situations where you are looking at parking next door and at the East End Club. Be prepared to provide us with a letter of agreement with whoever you are making these deals with specifics, # of spaces, whatever else is appropriate. You're in a neighborhood here, have to accommodate the public walking there. Residential across the street. Need to address public access to the site. Bike rack is a good idea.

R. Malavich: First thing I said to myself, where's the parking? They are providing the number of spaces that the code requires. You hope to have a high volume location. If you can't get more parking, will have to stay as appointment only development. Can't see you getting more parking there in close proximity except for the gas station. That is my biggest concern.

C. Tymula: Waste disposal, we are showing two rolling dumpsters in the back corner. Pedestrian access, one of the key items we tried to institute as part of the plans. Today, there's no pedestrian route from Bridge Street to the building. As part of development, 4 foot stripe way for access into building. ADA accessible. Lastly, the parking being striped and facing Bridge Street. Space is close to Bridge Street but will back out into the site and exit face out. We feel the proposed parking on site is far superior to what's there today. Does meet zoning. Much improved from what's there today.

M. LeLacheur: This is one of the reasons we have a parking attendant. We are committing to that process so that we can be a good neighbor. Part of our operational plan. We do have an agreement with the gas station as a side agreement.

C. Cheng: I have a few questions. When the application was submitted, we require a lighting plan. Don't think there's a lighting plan yet. There are lights on the elevations. Would the lot have lighting in the parking lot in front of the business? There's a gulch that probably was eroded from water coming from the site's parking lot. Part of the requirement for site plan review is preventing erosion and stormwater runoff. Maybe there is some way to improve the situation.

S. Gallivan: How long do you anticipate being an appointment-only business?

M. LeLacheur: Initial submission has eleven parking spots at the gas station site, 2 rideshare and 9 employee parking spaces. With regards to employee only, will move when it is appropriate and the right time for all parties involved.

Harley Racer, Applicant's Attorney: Have submitted final lease agreements with 1150 [Bridge Street] that shows we have those spots under lease agreement. Have a letter of intent with the club as well.

S. Gallivan: Did want to echo that I read in preliminary comments that this is a vast improvement to conditions on site. Work that you are doing to the exterior is a big improvement and will be a nice project.

G. Frechette: On the two rideshare spots in the gas station, will there be pedestrian access from there?

C. Tymula: The same striped walkway on right hand side we would have a similar access way along the left hand property line of Haffner's that would provide access from Bridge Street to the site. There is a retaining wall, elevation difference. Tripping hazards. Striped to get around site.

G. Frechette: What's going to tell uber driver not to pull into the site?

M. LeLacheur: With signage.

H. Racer: Can also address on instructions for online ordering.

Motion:

None

## V. Notices

## **VI. Further Comments from Planning Board Members**

R. Lockhart said that the next Historic Board meeting will be second Monday in December. After working on a project for National Grid, there was an old yellow brick building on School Street. Finally got torn down. Really impacted that site tremendously. When a building like that is located within a Historic District, and they want to alter the design or construct new things, they must come to Historic Board for approval to do that. We worked with them multiple hearings, and finally that's done.

G. Frechette said that the Rourke Bridge Advisory Committee recently met. This phase is the alignment study. Few locations that are currently being explored. Next phase, looking to have a public meeting regarding the alignment study with the intention of having in 2022, an actual public hearing for the design phase of the project. Location would be selected. Intention is to be mid-way through the build in 2025. The issue at the moment is there still has not been funding secured for construction of the bridge. It is funded for the design/study phase. Hopefully that will not hold up the project. For the most part, looking at a \$130 million estimate.

## **VII. Adjournment**

R. Malavich motioned and R. Lockhart seconded the motion to adjourn the meeting. The time was 7:46 PM.